

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:
Scott and Allison Werner

Case No.: 16-22692
Judge: Kaplan
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: January 10, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 350 per Month to the Chapter 13 Trustee, starting on July 5, 2016 for approximately 36 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☒ Loan modification with respect to mortgage encumbering property:

Description: 403 Union Avenue Lakehurst New Jersey

Proposed date for completion: January 2017

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☒ Other information that may be important relating to the payment and length of plan:

Trial Loan modification in place. Motion to approve loan modification will be made when final loan modification is obtained.

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Collins, Vella & Casello, LLC	Attorney fees	\$3,000

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
M & T Bank	Second Mortgage	\$ 1,334.51		\$1,334.51	\$125.45

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
NONE							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
NONE			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Wells Fargo- Auto Loan

Comcast NBC Universal- 401 (K) Loan

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan
NONE		

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
NONE			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
Hyundai Finance	Auto lease	Assumed and paid outside of plan

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
NONE							

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
NONE		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
NONE			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Priority Claims
- 3) Secured Claims
- 4) Unsecured claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: June 30, 2016.

Explain below **why** the plan is being modified:

The Debtors have obtained a trial loan modification.

Explain below **how** the plan is being modified:

The plan is being modified to remove payment of the first mortgage arrears as the Debtors have obtained a loan modification. This will increase the dividend to unsecured creditors and will shorten the duration of the plan to 36 months.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☒ No

Part 10: Sign Here

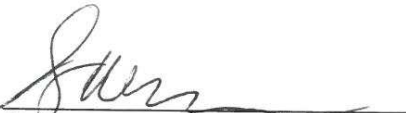
The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 1/12/17


Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: _____


Debtor

Date: _____


Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Scott C. Werner
 Allison W. Werner
 Debtors

Case No. 16-22692-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 54

Date Rcvd: Jan 13, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 15, 2017.

db/jdb
 516266151 #+Scott C. Werner, Allison W. Werner, 403 Union Avenue, Lakehurst, NJ 08733-2843
 516266152 #+ABC Receivables Management, 19 Main Street, Asbury Park, NJ 07712-7012
 516266153 +American Express, Bankruptcy Department, P.O. Box 981540, El Paso, TX 79998-1540
 516266154 +Amex Department Stores- Macys, P.O. Box 8218, Mason, OH 45040-8218
 516408088 Apogee Medical Group, PO Box 708640, Sandy, UT 84070-8640
 516266160 CACH, LLC, PO BOX 5980, DENVER, CO 80217-5980
 516316035 +CBT Team, PO Box 900, Millsboro, DE 19966-0900
 516418696 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 516266159 Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 516266161 +Capitol One, P.O. Box 30281, Salt Lake City, UT 84130-0281
 516266162 +Chase Card Services, P.O. Box 15298, Wilmington, DE 19850-5298
 516266166 +Comcast NBC Universal, c/o Fidelity Investments Institutional, 82 Devonshire Street,
 Boston, MA 02109-3605
 516470213 Credit Control, LLC, P.O. Box 546, Hazelwood, MO 63042-0546
 516266167 Department Store National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 516266168 #+Federated Law Group, 13205 US Hwy 1 # 555, Juno Beach, FL 33408-2253
 516266169 +Fenton & McGarvey P.S.C., 2401 Stanley Gault Parkway, Louisville, KY 40223-4175
 516266173 HSBC Bank/ Cach LLC, P.O. Box 5980, Denver, CO 80127
 516266174 +KML Law Group, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 516266176 +KML Law Group, P.C., 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 516266178 +M&T Bank, PO Box 619063, Dallas, TX 75261-9063
 516266179 +Macys, P.O. Box 8218, Mason, OH 45040-8218
 516266180 Medical Business Bureau, P.O. Box 1219, Park Ridge, IL 60068-7219
 516266181 Medical Radiology Group, P.O. Box 11268, Lancaster, PA 17605-1268
 516266182 New Jersey Health Care, Dept 10005, P.O. Box 419378, Boston, MA 02241-9378
 516266183 +Northland Group, P.O. Box 390905, Minneapolis, MN 55439-0905
 516266184 Ocean County Family Care, 2125 NJ-88, Brick, NJ 08724
 516266187 Ocean Pulmonary Associates, PA, 3 Plaza Drive, Suite 2, Toms River, NJ 08757-3764
 516266189 +Qualia Collection Services, P.O. Box 4699, Petaluma, CA 94955-4699
 516266191 Savit Collection Agency, PO Box 250, East Brunswick, NJ 08816-0250
 516266194 Southern Ocean Medical Group, P.O. Box 416289, Boston, MA 02241-6289
 516318313 +US Bank National Association, Portfolio Recovery Associates, 120 Corporate Blvd.,
 Norfolk, VA 23502-4952
 516266195 Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Services, PO Box 19657,
 Irvine, CA 92623-9657
 Wells Fargo Dealer Services, ATTN: Correspondence MACT9017-026, PO Box 168048,
 Irving, TX 75016-8048

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usan.j.njbankr@usdoj.gov Jan 13 2017 23:39:14 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Jan 13 2017 23:39:11 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516266155 E-mail/Text: bnc-applied@quantum3group.com Jan 13 2017 23:39:44 Applied Bank,
 4700 Exchange Court, Boca Raton, FL 33431-0966
 516418006 E-mail/Text: billing@assa-nj.com Jan 13 2017 23:39:44 Atlantic Shore Surgical Associates,
 478 Brick Blvd, Brick, NJ 08723-6077
 516266156 +E-mail/Text: ebn@barnabashealth.org Jan 13 2017 23:39:50 Barnabas Health, P.O. Box 903,
 Oceanport, NJ 07757-0903
 516266157 E-mail/Text: cms-bk@cms-collect.com Jan 13 2017 23:38:57 Capital Management Services,
 698 1/2 South Ogden Street, Buffalo, NY 14206-2317
 516266165 +E-mail/Text: ebn@barnabashealth.org Jan 13 2017 23:39:50 Community Medical Center,
 99 Route 37 West, Toms River, NJ 08755-6423
 516266163 E-mail/Text: ebn@barnabashealth.org Jan 13 2017 23:39:50 Community Medical Center,
 P.O. Box 29969, New York, NY 10087-9969
 516266170 E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Jan 13 2017 23:40:15 Hyundai Finance,
 P.O. Box 660891, Dallas, TX 75266-0891
 516487963 +E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Jan 13 2017 23:40:15
 Hyundai Lease Titling Trust, PO Box 20809, Fountain Valley, CA 92728-0809
 516266171 E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Jan 13 2017 23:40:15
 Hyundai Motor Finance, P.O. Box 660891, Dallas, TX 75266-0891
 516266172 +E-mail/Text: bankruptcy@icsystem.com Jan 13 2017 23:40:00 IC Systems, P.O. Box 64378,
 Saint Paul, MN 55164-0378
 516266175 +E-mail/Text: bnckohlnotices@becket-lee.com Jan 13 2017 23:38:35 Kohl's, P.O. Box 3115,
 Milwaukee, WI 53201-3115
 516266177 E-mail/Text: camanagement@mtb.com Jan 13 2017 23:38:58 M&T Bank, P.O. Box 1288,
 Buffalo, NY 14240-1288
 516308604 E-mail/Text: camanagement@mtb.com Jan 13 2017 23:38:58 M&T Bank, P.O. Box 840,
 Buffalo, NY 14240-0840
 516266185 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 13 2017 23:59:02
 Portfolio Recovery Associates, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 54

Date Rcvd: Jan 13, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516474770 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 13 2017 23:46:11
Portfolio Recovery Associates, LLC, c/o Lowes, POB 41067, Norfolk VA 23541
516492272 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 13 2017 23:53:26
Portfolio Recovery Associates, LLC, c/o U.S. Bank National Association Nd, POB 41067,
Norfolk VA 23541
516311667 E-mail/Text: bnc-quantum@quantum3group.com Jan 13 2017 23:39:04
Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788,
Kirkland, WA 98083-0788
516266190 E-mail/Text: bankruptcy@senexco.com Jan 13 2017 23:38:24 Senex Services Corp,
3333 Founders Road, 2nd Floor, Indianapolis, IN 46268-4933
516266189 E-mail/Text: bankruptcy@savit.com Jan 13 2017 23:40:24 Savit Collection Agency,
PO Box 250, East Brunswick, NJ 08816-0250
516266192 E-mail/PDF: gecsed@recoverycorp.com Jan 13 2017 23:35:37 Synchrony Bank,
Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060

TOTAL: 22

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516266158* Capital Management Services, 698 1/2 South Ogden Street, Buffalo, NY 14206-2317
516266164* Community Medical Center, P.O. Box 29969, New York, NY 10087-9969
516266186* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, 120 Corporate Boulevard,
Norfolk, VA 23502)
516266188* +Qualia Collection Services, P.O. Box 4699, Petaluma, CA 94955-4699
516266193 ##+Toms River Anesthesia, 409 Main Street #2, Toms River, NJ 08753-7418

TOTALS: 0, * 4, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 15, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 12, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor M&T Bank dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Joseph Casello on behalf of Joint Debtor Allison W. Werner jcasello@cvclaw.net,
jcasello627@gmail.com
Joseph Casello on behalf of Debtor Scott C. Werner jcasello@cvclaw.net, jcasello627@gmail.com
TOTAL: 5